



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

February 27, 2008

OFFICE OF
AIR AND RADIATION

The Honorable James R. Milkey
Assistant Attorney General of Massachusetts
Boston, Massachusetts 02108

Dear Mr. Assistant Attorney General:

Thank you for your letter of January 23, 2008, to Administrator Johnson regarding the U.S. Environmental Protection Agency's (EPA) response to the U.S. Supreme Court ruling in Massachusetts v. EPA, 549 U.S. ___, 127 S.Ct. 1438 (2007).

Since the President's announcement on May 14, 2007, and consistent with the Executive Order issued that day, EPA has spent a considerable amount of time analyzing and developing draft regulations to control greenhouse gas (GHG) emissions from the transportation sector. This effort has involved significant work not only on the issues involved in the remand of the rulemaking petition in the Massachusetts case (e.g., motor vehicles under section 202 of the Clean Air Act), but also on issues regarding the regulation of fuels under other sections of the Clean Air Act.

As you are aware, the Energy Independence and Security Act of 2007 (EISA) was signed into law on December 19 of last year. That law revised the renewable fuels provisions in section 211(o) of the Clean Air Act. It also affected the Department of Transportation's (DOT) authority for setting Corporate Average Fuel Efficiency (CAFE) standards, including providing for consultation with the Department of Energy and EPA. Given the passage of EISA, and consistent with the Executive Order and the consultation provision in EISA, EPA is analyzing how to proceed on the issues before us on the remand, as well as how to proceed on any rulemaking that would regulate or substantially and predictably affect emissions of greenhouse gases from vehicles and engines.

As a result, at this time, the Agency does not have a specific timeline for responding to the remand. However, let me assure you that developing an overall strategy for addressing the serious challenge of global climate change is a priority for the Agency, and we are taking very seriously our responsibility to develop an effective, comprehensive strategy.

Again, thank you for your letter. I appreciate the opportunity to be of service and trust the information provided is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Meyers". The signature is fluid and cursive, with the first name being the most prominent.

Robert J. Meyers
Principal Deputy Assistant Administrator